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CANADA AND THE UNITED STATES.

A STUDY IN COMPARATIVE POLITICS.

HAVING a contemporaneous history on this continent, lying contiguous to one another from the Atlantic to the Pacific Ocean, Canada and the United States naturally offer many points of comparison worthy of the close contemplation of students and statesmen. Their political systems, especially, afford many materials for reflection, which, studied in a scientific and an impartial spirit, may be made profitable to them both. The Canadian Dominion and the American Commonwealths trace most of the political institutions they possess to the great English mother of all free governments, though in the course of many years diversities have naturally grown up in the working out of those institutions, so that a mere ordinary observer is apt to forget their true origin and nature. But whatever divergencies there may be in the systems of the two countries, we can see after a little thought and study that they have arisen chiefly from the fact that Canada has remained a dependency of Great Britain, and consequently followed closely the constitutional practices of the parent state,

while the United States, having long ago become a national sovereignty, has raised on the foundations of a constitution, based itself on principles drawn largely from those of the English constitution, a great structure which has in the course of years undergone many modifications in the working out of the original plans, in order to adapt it to the practical needs of the people and the modern conditions of a democratic government. The architecture may now be considered of a political composite order, in which we see that, though the design of the original founders has been varied in many respects, yet after all the very pillars that support the noble dome that crowns the edifice rise from the foundations of the English common law and of that parliamentary system which have enabled England as well as the United States to attain a foremost position among the nations of the world. It has been the good fortune of Canada to develop slowly under the fostering care of England, and to have been able to survey at a reasonable distance the details of the structure raised by her neighbor; and consequently when her statesmen came less than a quarter of a century ago to enlarge the political sphere of the provinces of British North America, and to give greater expansion to the energies of her people in the organization of a federal union, they were able to base it on those principles which the experience of the mother country and of the United States showed them were best adapted to give strength and harmony to all the political parts, and enable them as a whole to work out successfully their experiment of government on the northern half of this continent.

It is not necessary to make any comparisons between the constitutional and political systems of Canada and the United States before 1867, when the provinces were isolated communities, offering many points of comparison with the old confederated colonies previous to the adoption of the present constitution. It is the Union of 1867 that now makes such comparisons possible; for then was

adopted a federal system resembling in certain important features that of the United States, but at the same time continuing in the government of the country all the essential features of the British constitution. The two systems of government have each a central authority and many local organizations known respectively as states and provinces. This central government possesses under the constitution control over all those objects of national import which are essential to the security and integrity of a federal state. Canada, however, being still a mere dependency, is not sovereign in the legal sense of the term, since it cannot declare war or make treaties, those being powers reserved to the imperial power of England, from which it derives its constitution and which alone can change that fundamental law. The constitution of the United States places many difficulties in the way of amending that instrument. But to-morrow the English parliament might change or revoke the constitution of Canada just as in 1838 it repealed the statute giving a legislative system to Quebec, then called Lower Canada. Such a thing would be legal, although it is not probable or even practically possible. The English government never moved in the matter of the present union until the several legislative bodies approached it formally by address and asked that it should be conceded; and now should any change be necessary it would be made only in the same formal manner through the action of the federal parliament in the first place. The people speak only through their legislative bodies, and such a thing as a plebiscite or popular convention on any proposed amendment is unknown to the constitution of the Dominion. The federation was brought about by the agency of legislatures which were elected without any reference to the great constitutional change, and it was only in one province, New Brunswick, that the question came directly before the people at the polls. Still, while Canada is in this respect subject to the imperial government and cannot adopt any legislation that is incompatible with imperial

enactments or in antagonism to imperial obligations, yet it has sovereign powers within its own constitutional sphere. Its powers as enumerated in the law are large, and give it control over militia and defense, taxation of imports, foreign and British, and the jurisdiction over territories equal in area to the half of Europe. There is this important distinction, too, between the powers given to the central government of Canada and those placed by the constitution of the United States under the jurisdiction of the federal authority. The powers of the Dominion government cover all those not expressly given by the constitutional act to the provinces—the very reverse of the principle at the basis of the United States instrument, which enumerates the powers of the federal state and leaves in the states all those not given to the central authority. These enumerated powers of the government at Washington have confessedly been greatly enlarged by judicial decisions which have recognized the necessity of "implied powers" in the grant of powers expressly given by the constitution to the federal state. A somewhat similar recognition has been given by the Canadian courts, which have laid down the principle, practically, that the central authority, in the working out of a power given it by the fundamental law may trench upon powers granted to the provinces—upon property and civil rights, for instance, which are among the most important powers of those organizations. As in all written constitutions, so in Canada conflicts of authority are constantly arising between the respective legislative jurisdictions which have to be decided by the courts, and already there are several volumes containing judicial decisions interpreting the law, and now practically part of the constitutional system. There is one federal court, resembling the Supreme Court of the United States, but there are no federal courts in the provinces as in the states. The courts of the provinces decide on all constitutional cases brought before them, and there is no limitation placed on their jurisdiction over such matters, but

there is an appeal to the federal Supreme Court or to the judicial committee of the Privy Council of England. The federal and the provincial courts do not interfere in any way with the exercise of the political power of the government. The judges of our courts are men of undoubted learning and of the strictest integrity, and their decisions are treated with the greatest respect.

If we come now to compare the systems of government possessed by the two countries, we find that while both rest on the basis of the principles of the British constitution, yet there are very remarkable differences, which have grown out of the diverse circumstances under which Canada and the United States adopted their fundamental law. The United States have now as an executive a president elected by the people in all the states for a term of four years. He has the right to appoint heads of certain departments to which collectively the name of cabinet has been given in the course of time, although the constitution does not provide for a cabinet in the English constitutional sense of the word. Its position and responsibilities are not in any way equal to those of an English ministry. Its members are not responsible to Congress, although they can be called upon to report to that body at any time, and be examined before its committees on matters affecting their respective departments. In reality they are dependent only on the executive, who appoints and removes them, and responsible to him alone for the satisfactory performance of their duties. The power given to the president, generally called the "veto," was borrowed from an old prerogative of the crown which has now fallen into disuse, and the exercise of it in these days would create a revolution in England; but at the time of the formation of the constitution it was believed to be necessary as a check upon the power of Congress, and was given to the president as one of the most useful adjuncts of his executive authority. On the other hand, the governor-general of Canada, who is appointed to represent the Queen—the head of the executive in the

constitution—does not exercise the veto, although he possesses the legal right to refuse his assent to any bill. Here we have an illustration of the tenacity with which England and her colonies keep to the old forms which have practically fallen into disuse in the practical operation of their constitutional system. It is one of the results of parliamentary government which makes the advisers of the queen or of the governor-general responsible for all legislation. To call upon the governor-general to exercise the veto after a measure has passed both houses would be practically a confession that his advisers did not possess the confidence of the legislature. It would bring into contempt that principle of ministerial responsibility to parliament which is the very essence and life of parliamentary government. It is a curious thing, however, that some lieutenant-governors of the provinces, in all of which parliamentary government exists in the full sense of the term, have more than once exercised the veto in the case of clearly unconstitutional legislation; but this has been done only in the smaller provinces, and it would be impossible to suppose it possible in the larger arena of the Dominion or of its great prototype, the Imperial parliament. One explanation of the exercise of it in the small provinces is that the lieutenant-governors are, in a manner, officers of the Dominion government, and may assume to exercise the veto in cases where there is a clear infraction of the federal authority, but this is hardly a sufficient reason in the face of the fact that the constitution plainly provides for reserving such legislation for the consideration of the Dominion government itself, which should alone consider its bearing and effect, and disallow it if necessary under the fundamental law giving them such a power. Here I may conveniently refer to the fact that the governor-general, in the exercise of his authority as the head of the executive in the Dominion, has the right to disallow the acts of any provincial legislature—a power not given to the president—but it is a power that he exercises only on the advice of his responsible ad-

visers and not on his own responsibility. This question of disallowance I have shown elsewhere is one of the subjects which have evoked much discussion since the adoption of the constitution. It is a power clearly to be exercised with great discretion, since the acts of political bodies are always regarded with more or less suspicion by those whom they affect. It is one of the features of the Canadian constitution which is viewed with doubt by many thoughtful statesmen and publicists in Canada, and there is a growing concensus of opinion that the more frequently all cases of constitutional difficulty are left to the courts the greater will be the harmony and stability of the whole federal union.

In a brief summary I can perhaps best show the most important distinctions between the respective systems of government of the two countries. The American Federal Republic is governed by the following authorities:

A president, elected by the people in the several states for four years, irremovable except by impeachment; exercising among the most important of his powers the right to refuse to approve of bills passed by the two houses, which can only override his decision by a majority of two-thirds in each body; having the power to remit fines, reprieve and pardon for offenses against the United States except in cases of impeachment; having the right to make treaties and appoint public officials, subject to the ratification and confirmation of the senate.

A cabinet, popularly so-called, consisting, strictly speaking, of heads of eight executive departments, without seats in Congress, appointed by and responsible to the president, and without control over congressional legislation.

A congress composed of two houses—a senate and house of representatives—called together at fixed dates under the constitution, but liable to be convened on extraordinary occasions by the executive, not to be dissolved by the executive. The senate is elected for six years, not by the people directly, but by the legislatures of the states which are equally represented, one-third being renewed or changed

every two years; having co-ordinate powers of legislation with the house of representatives, except as to the initiation of revenue bills which, however, they can amend; having the right to ratify treaties presented by the president and to confirm nominations to office made by the executive. The house of representatives is composed of three hundred and thirty members, chosen every second year by the people of the several states, elected under the same franchises which elect members to the popular house of the state legislatures.

A federal judiciary, composed of a supreme court of nine members, of nine circuit courts, of fifty-eight district judges, and of a court of claims—the judges being appointed by the president with the advice and consent of the senate, removable only for cause assigned, and subject to impeachment.

A civil service, composed of officers of various grades appointed by the president, whose nominations in certain cases require to be ratified by the senate, the tenure of office being still uncertain, in consequence of the political difficulties that stand in the way of carrying out the Pendleton act, which was the first practical move in the direction of reform.

In Canada, on the other hand, the Dominion government may be divided into the following departments:

The Queen, legally the executive, but represented for all governmental purposes by a governor-general, appointed by Her Majesty in council, during pleasure, though practically irremovable except for cause during his term of office; responsible to the imperial government as an imperial officer; having the right to pardon for all offenses, but exercising this and all executive powers under the advice and consent of a responsible ministry.

A cabinet, composed of thirteen or more privy councillors, having seats in the two houses of the parliament; requiring to be elected by the people of their respective constituencies in case of the acceptance of office; acting as

a council of advice to the governor-general; responsible to parliament for all legislation and administration; holding office only whilst controlling a majority in the popular branch.

A senate, composed of seventy-eight members, with a representation of twenty-four for the maritime provinces (Nova Scotia, New Brunswick and Prince Edward Island), Quebec and Ontario, respectively, and the remaining members scattered over the other provinces and the territories; appointed by the Crown for life, though removable by the house for bankruptcy or crime; having co-ordinate powers of legislation with the house of commons, except in the case of money or tax bills; having no power to try impeachments.

A house of commons, of two hundred and fifteen members, elected for five years on a very liberal franchise, in electoral districts in every province, fixed in both cases by the Dominion parliament; liable to be prorogued and dissolved at any time by the governor-general on the advice of his council; having alone the right to initiate money and tax bills.

A judiciary, composed of a supreme court of six judges, which acts as a court of appeal for all the provincial courts, but whose judgments may be reversed on appeal to the judiciary committee of the privy council in England; irremovable except on the address of the two houses to the governor-general.

A civil service, appointed by the governor-general on the advice of his council, that is, practically by the government of the day; irremovable except for cause; governed by statutes providing in specified cases for examinations and promotions, certain important positions being still political appointments but not subject to removal in case of change of parties.

Coming now to the state and provincial organizations, we find that in the several states, generally speaking, the government is distributed as follows:

A governor, elected directly by the people for a term of office varying from four years to one, and exercising in all the states except four a veto over the acts of the legislature which, however, can override his decision by a majority varying in the different states. Four states place all legislative authority in the legislature alone. Generally in the states the governor has the pardoning power within certain limitations.

A lieutenant-governor, elected by the people of the state at the same time as the governor; exercising no special functions except such as arise from his position as a presiding officer of the senate; filling the place of the governor in case of death or incapacity.

Executive councils in only three states, which practically represent advisory cabinets; there being in the others certain executive officials elected by the people for terms varying in the different states, having no seats in the legislature, and not exercising any control over its legislation.

A legislature, composed of two houses in every state of the Union. First, a senate, chosen by popular vote, generally in districts larger than those of the house, having a term varying from four years in the majority of cases, in others from three to one, a portion of the members going out on the completion of a certain time, and the vacancies being filled. In all the states except one it is a tribunal of impeachment for certain officials, including governors.

A house of representatives, or an assembly or house of delegates in a few states, chosen by popular vote in the states, generally manhood suffrage, limited by certain disqualifications of crime or bribery—the number varying from twenty-one to three hundred and twenty-one. Both houses have equal rights of legislation except that in certain states the house of representatives can alone originate money bills.

A judiciary, elected in the majority of states by the people, in a few by the legislature, in others appointed by the governor, subject to confirmation by the houses or by

the council, as in Massachusetts ; holding office for a term varying on the average from eight to ten years except in four states, where the English system of life tenure exists.

A civil service, small in numbers and poorly paid, elected generally by the people, holding their positions on the uncertain tenure of political success and popular caprice.

The several provinces of Canada have a system similar to that of the federal government, which may be generally distributed into parts as follows :

A lieutenant-governor, appointed by the governor-general in council, practically for five years ; removable by the same authority for cause, which must be communicated to parliament ; exercising all the political powers and responsibilities of the governor-general under the system of responsible or parliamentary government ; having no right to reprieve or pardon criminals.

A cabinet, composed of certain heads of departments, varying from twelve to five in the various provinces, called to office by the lieutenant-governor ; having seats in either branch of the legislature ; holding their positions as long as they have the confidence of the majority of the people's representatives ; responsible for and directing legislation, and conducting generally the administration of public affairs in accordance with the law and the conventions of the constitution.

A legislature, composed of two houses—a legislative council and a house of assembly or legislative assembly in four provinces—and of only one house, an elected body, in three provinces. The legislative councillors are appointed for life by the lieutenant-governor in council, removable for the same reasons as senators, and must have a property qualification except in Prince Edward Island, where the upper house is elective like the senate. The councils cannot initiate revenue or money bills, but otherwise have the same legislative powers as the lower houses. They have no right to sit as courts of impeachment.

The legislative assemblies are elected for four years,

except in Quebec, where the term is five years, but are liable to be dissolved at any time by the lieutenant-governor, acting under the advice of his council; elected on a franchise which is manhood suffrage in the largest and most populous province, Ontario, and practically the same in the smallest, Prince Edward Island, the suffrage being most liberal in the other sections though based on property and incomes.

A judiciary, appointed by the governor-general in council (stipendiary magistrates, justices of the peace, and judges of probate being provincial nominees); only removable on the address of the two houses of the Dominion parliament except in the case of county judges, who may be removed by order in council for cause.

A civil service, appointed by the lieutenant-governor in council, nominees in the first instance of the political party in power, but once appointed irremovable except for sufficient reasons.

As we compare these respective systems, we can trace throughout, as I have already observed, the principles of the British constitution—an executive, a legislature of two houses, and a judiciary. The application of the elective principle to the judiciary is a grave departure from the British principle which Canada has carefully avoided with most decided advantage to the administration of justice. The upper houses appointed by the Crown are less effective as legislative authorities than the senates, which have larger powers and are in a more complete sense co-ordinate authorities in the legislative system. But the most remarkable example of divergence from the English system of government on the one side, and of adherence to it on the other, is seen in the relations of the executive in the two countries toward the legislature. In the United States the executive exercises no direct control over the legislature through a cabinet, and if it were not for the veto Congress would be practically uncontrolled in its legislation. In Canada, on the other hand, the executive is practically the

cabinet or ministry, who direct and supervise all legislation as well as the administration of public affairs. In the United States when the constitution was formed, parliamentary government, as it is now understood in England and her self-governing dependencies, was not understood in its complete significance; and this is not strange when we consider that in those days the king appeared all-powerful. He did not merely reign, but governed, and his councillors were so many advisers, too ready to obey his wishes. Ministerial responsibility to parliament was still, relatively speaking, an experiment in constitutional government, its leading principles having been first outlined in the days of William the Third. The framers of the American constitution saw only two prominent powers, the king and parliament, and their object was to impose a system of checks and balances which would restrain the authority of each and prevent any one dominating in the nation. It is true in the course of time this system has become in a measure theoretical, since Congress has practically established a supremacy, though the powerful influence exercised by the president at times can be seen from the great number of vetoes successfully given by Mr. Cleveland. In Canada, responsible or parliamentary government dates back to less than half a century ago, and was won only after years of contest with the parent state. Since the British system has been introduced into the provinces of the Dominion there has been practically no friction between the different branches of government, but the wheels of the political machinery have run with ease and safety.

Under the American system the executive and legislative authorities may be constantly at variance, and there is little possibility on all occasions of that harmonious legislative action which is necessary to effective legislation. The president may strongly recommend certain changes in the tariff, or in other matters of large public import, but unless there is in the houses a decided majority of the same political opinions as his own there is little prospect of his

recommendations being carried out. Indeed, even if there is such a majority it is quite possible that his views are not in entire accord with all sections of his party, and the leading men of that party in Congress may be themselves looking to the presidential succession, and may not be prepared to strengthen the position of the present incumbent of the executive chair. The nominal cabinet can and does give information to Congress and its committees on matters relating to its respective departments, but it is powerless to initiate or promote important legislation directly, and if it succeeds in having bills passed it is only through the agency of, and after many interviews with, the chairmen of the committees having control of such matters. If Congress wishes information from day to day on public matters it can only obtain it by the inconvenient method of communicating by messages with the departments. No minister is present to answer some interesting question on which the public wishes to receive immediate information, or to state the views of the administration on some matter of public policy. There is no leader present to whom the whole party looks for guidance in the conduct of public affairs. The president, it is true, is elected by the Republican or Democratic party, as the case may be, but the moment he becomes the executive he is practically powerless to promote effectively. through the instrumentality of ministers who speak his opinions authoritatively on the floor of Congress, the views of the people who elected him. His messages are generally so many words, forgotten too often as soon as they have been read. His influence constitutionally is negative—the veto—not the all-important one of initiating and directing legislation like a premier in Canada. The committees of Congress which are the governing bodies may stifle the most useful legislation, while the house itself is able, through its too rigid rules, only to give a modicum of time to the consideration of public measures except they happen to be money or revenue bills. The speaker himself is the leader of his party so far

as he has influence on the composition of the committees, but he cannot directly initiate or control legislation. Under these circumstances it is easy to understand that when the executive is not immediately responsible for legislation, and there is no section or committee of the house bound to initiate or direct it, it must be too often ill digested, defective in essential respects and ill adapted to the public necessities. On this point a judicious writer says: "This absence of responsibility as to public legislation, and the promotion of such legislation exclusively by individual action, have created a degree of mischief quite beyond computation." And again: "There is not a state in the Union in which the complaint is not well grounded that the laws passed by the legislative bodies are slipshod in expression, are inharmonious in their nature, are not subjected to proper revision before their passage, are hurriedly passed, and impose upon the governors of states a duty not intended originally to be exercised by them, that of using the veto power in lieu of a board of revision for the legislative body; and so badly is the gubernatorial office organized for any such purpose that the best-intentioned governor is compelled to permit annually a vast body of legislation to be put upon the statute book which is either unnecessary, in conflict with laws not intended to be interfered with, or passed for some sinister and personal ends."[1]

Compare this state of things with the machinery of administration in Canada or Great Britain and you will at once see that the results are greatly to the advantage of Canada. Long before parliament is called together by proclamation from the governor-general, there are frequent cabinet meetings held for the purpose of considering matters to be submitted to that body. Each minister in due order brings before his colleagues the measures that he considers necessary for the efficient administration of his department. Changes in the tariff and all other matters

[1] Cyclopedia of Political Science, Art. Legislation, p. 754.

of public policy that require legislation in order to meet the public demands are carefully discussed. Bills that are to be presented to parliament are drafted by competent draughtsmen under the direction of the department they affect, and having been confidentially printed are submitted to the whole cabinet, where they are fully discussed in all cases involving large considerations of public policy. The governor-general does not sit in executive session with his cabinet, but is kept accurately informed by the premier of all matters which require his consent or signature. When parliament meets he reads to the two houses a speech containing only a few paragraphs, but still outlining with sufficient clearness the principal measures that the government intend to introduce in the course of the session. The minister in charge of a particular measure presents it with such remarks as are intended to show its purport. Then it is printed in the two languages, and when it comes up for a second reading a debate takes place on the principle, and the government are able to ascertain the views of the house generally on the question. Sufficient time is always given between important stages of measures of large public import to ascertain the feelings of the country. In case of measures affecting the tariff, insolvency, banking, and the financial and commercial interests of the Dominion, the bills are printed in large numbers so as to allow leading men in the important centres to understand their details. In committee of the whole the bill is discussed clause by clause, and days will frequently elapse before a bill gets through this crucial stage. Then, after it is reported from the committee, it will be often reprinted if there are material amendments. When the house has the bill again before it, further amendments may be made. Even on the third reading it may be fully debated and referred back to committee of the whole for additional changes. At no stage of its progress is there any limitation of debate in the Canadian house. At the various readings a man may only speak once on the same question, but there is no limit to

the length of his speech except such as good taste and the patience of the house impose upon him.

In committee there is no limit to the number of speeches on every part of the bill, but as a matter of fact the remarks are generally short and practical, unless there should be a bill under consideration to which there is a violent party antagonism, and a disposition is shown to speak against time and weary the government into making concessions or even withdrawing the objectionable features of the measure. When the bill has passed the house, then it has to undergo the ordeal of the senate and pass through similar stages, but this is not, as a rule, a very difficult matter, as the upper house is generally very reluctant to make many modifications in government measures. If the bill is amended, then the amendments must be considered by the house, which may be an occasion for further debate. Then having passed the two houses, it receives the assent of the governor-general and becomes law. Under modern constitutional usage he does not refuse his assent to a measure which may immediately affect imperial interests and obligations, but simply "reserves" it for the consideration of the imperial authorities, who must within two years allow or disallow it in conformity with statute. If the government should be unable to pass a bill of their own involving great questions of public policy, it would be their duty to resign, and then another ministry would be called upon to direct the administration of public affairs. Or they might ask for a dissolution, and an appeal to the people on the question at issue. At any rate, the people make their influence felt all the while in the progress of legislation. It is not as in Congress, where the debates are relatively unimportant and not fully reported in the public press, and the bills find their fate in secret committees. As the press of Canada is fully alive to the progress of every public measure, and all important discussions find their way from one end of the country to the other, every opportunity is given for a full expression of public opinion by means of

petitions, public meetings and representations to the members of each constituency. The government feel the full sense of their responsibility all the while, for on the popularity of their measures depends their political existence. An unfavorable vote in the house may at any moment send them back to the people.

In the case of other public measures which are not initiated by itself, the government exercises a careful supervision, and no bill is allowed to become law unless it meets with its approval. The same scrutiny is exercised over private or local legislation—that is, bills asking for the incorporation of banking, railway, insurance and other companies for numerous objects, affecting private and public interests in every community. This class of bills falls under the denomination of local or private, as distinguished from those involving questions of general or public policy. In the United States congress and State legislatures the absence of a methodical supervision by responsible or official authorities, has led to grave abuses in connection with such legislation. The "lobby" has been able to exercise its baneful influence in a way that would not be possible in Canada where, as in England, there are rules governing the introduction and passage of such legislation with the view of protecting the public and at the same time giving full information to all interests that may be affected, and enabling them to be represented before the legislative committees. We are told, on the same authority from which I have already quoted, that "the influence of the lobby has proved so formidable an evil that many states of the Union have within a decade, by acts of constitutional conventions or by regular amendments to their organic law, prevented their legislative bodies from enacting special laws in a variety of cases." "But," it is truthfully added, "the limitation of the power to enact private or special legislation has created in its turn an evil far greater than that which it was intended to stay." The result is that the whole body of general legislation "is thrown

into the arena of special interests, to be changed, modified or destroyed as special interests may dictate."

In Canada there are general laws respecting railways, banking and other great interests, and companies seeking incorporation must conform to them. The changing of a general law to meet a special case is carefully avoided. As in the parent state there are special rules methodizing private legislation, and bringing it under strict legislative control. In the case of railway charters—very common of late years—there are "model" bills which every company must follow. If any persons wish to obtain a charter for a private or local object—a railway, a bank, or a toll bridge or other matter involving local interests and private gain—they must first of all give due notice of their intention in the official *Gazette*, and in the papers of the locality interested, two months before the bill can be introduced. The time is limited when such matters can be brought up in the legislature. Petitions, stating the nature of the application, must be presented within a certain time to the legislative branches, and when they have been received they are referred to a committee which investigates their contents and finds whether the rules respecting notice have been complied with. If the committee report favorably, then a bill, which must be first printed in the two languages, is introduced, and after its second reading, when the principle may be discussed if necessary—a formality, however, not generally followed in the case of private bills—it is sent to a select committee having jurisdiction over this class of measures. Before it can be considered in this committee all fees must be paid to the accountant of the house. Then, after due notice of a week or more has been given of the consideration of the bill in committee, it is taken up and fully discussed. All parties interested may now appear in person or by counsel and oppose or support the measure. Here the committee acts in a judicial capacity and hears testimony when necessary. Ministers of the Crown have seats on these private bill committees, to watch over the

public interests, for they never act as promoters of such bills. If the bill passes successfully through this ordeal it comes again before the house for consideration in committee of the whole. At this stage, and on the third reading, amendments may be proposed after notice has been given of their nature. When it has passed the house where it originated, it is subject again to a similar course of procedure in the other branch, and hardly a session passes but a private bill, which has evoked strong opposition, is thrown out at these last stages. From the initiation to the passage of the bill, it is subject to the scrutiny of the legal officers of the department, whose duty it is at the last to revise and print it as it has passed. The lobby as it is known in the United States is not heard of, though there may be at critical times some canvassing among members by those interested in the measure. The committees are so large—some of them two-thirds of the whole house—that a lobbyist would find it practically useless to pursue his methods. Happily for the reputation of the country, the Canadian legislative assemblies cannot be charged with corruption.

But it is not merely to the machinery of administration and legislation that Canadians direct the attention of their neighbors. The various statutes which regulate the election of members also seem well calculated to subserve political morality.

In Canada what is known as the Australian system of voting, with a few deviations, has been practically in force for many years, and has worked to the advantage of the public interests. Any number of candidates can be nominated, on a day appointed by the government, by a certain number of electors, and on the payment of a fee which will be forfeited in case a candidate does not poll a certain vote on polling day. The returning officer appoints his deputies in the various polling districts. The government prints and controls the distribution of all the ballot papers, which are prepared in the form required by statute. When

a voter goes to deposit his vote, the officer in charge looks at the registration book to see if he is on the official list; and if so, the officer initials the back of the ballot paper and on the counterfoil of the same places a number corresponding to that placed opposite the voter's name in the poll book. The voter then retires into a compartment to which only one person at a time has access, and there places a cross opposite the name of the person or persons for whom he wishes to vote. There he folds up the ballot paper, so as to conceal his vote, and when he hands it to the officer the latter notes his initials placed on the back to identify the paper, and then detaches and destroys the counterfoil, which prevents the vote of the elector being ever made public. The officer then immediately, and in the presence of the elector, places the ballot paper in a box made under the orders of the government for such a purpose. These boxes are opened and the votes duly counted as provided by law, and the ballot papers are returned, except in case of a recount, by the county judge within a certain number of days, to the clerk of the crown in chancery, at the seat of government. A similar procedure is pursued in the case of the provincial and municipal elections as a rule throughout the Dominion. If an election has been duly announced in the official Gazette by the crown officer, it is still open to the defeated candidate or any other person to contest the election in the courts on the ground of bribery or corruption. Since 1873 the legislative bodies have divested themselves of the privilege of trying controverted elections, and consequently subserved the cause of justice and purity. The advantages of the whole system over the American practice are so obvious that several states have already adopted the Australian or what is practically the Canadian law, and it is now being earnestly urged in other sections of the Union.

When we come now to sum up the results of the comparisons that I have been briefly making between the political systems of the two countries, I think Canadians may

fairly claim that they possess institutions worthy of the study and imitation of their neighbors. We acknowledge that in the constitution of the upper houses, in the existence of the political veto, in the financial dependence of the provinces to a large extent on the Dominion exchequer, there is room for doubt whether the constitution of Canada does not exhibit elements of weakness. The senate of the United States is a body of great power and varied ability to which the people may refer with pride and gratulation. The reference to the courts of all cases involving points of constitutional interpretation has also worked to the advantage of the commonwealth. On the other hand, Canadians call attention to the following features of their system as worthy of the serious consideration of their co-workers in the cause of good and efficient government:

An executive, working in unison with and dependent on parliament; its members being present in both branches, ready to inform the house and country on all matters of administration; holding office by the will of the people's representatives; initiating and controlling all measures of public policy and directing generally private legislation.

An effective and methodical system of procedure, regulating and controlling all legislation of a private or special nature, so as to protect vested rights and the public interests.

A judiciary not dependent on popular caprice, but holding office during good behavior, and only removable by the joint action of the two houses and the executive of the federal state.

A large and efficient body of public servants whose members hold office not on an uncertain political tenure, but as long as they are able to perform their duties satisfactorily, and who have always before them the prospect of a competency for old age at the close of a career of public usefulness.

A system of voting at elections which effectually secures the secrecy and purity of the ballot, effectually guards the

voter "against the ticket peddler, election workers and spies," and practically "takes the monopoly of nomination out of the hands of the professional politicians, and removes the main pretext of assessments upon candidates which now prevent honest poor men from running for office."

The jurisdiction possessed by the courts of trying all cases of bribery and corruption at elections, and giving judgment on the facts before them, in this way relieving the legislature of a duty which could not, as experience had shown, be satisfactorily performed by a political body influenced too often by impulses of party ambition.

The placing by the constitution of the jurisdiction over divorce in the parliament of the Dominion and not in the legislatures of the provinces—the upper house being now by usage the court for the trial of cases of this kind except in the small maritime provinces, which had courts of this character previous to the federal union. The effect of the careful regard entertained for the marriage tie may be estimated from the fact that from 1867 to 1886 there were only 116 divorces granted in Canada against 328,613 in the various states of the Union.

The differences that I have shown to exist between the political systems of the two countries are of so important a character as to exercise a very decided influence on the political and social conditions of each. Allied with a great respect for law, which is a distinguishing feature of all communities of the Anglo-Saxon race, they form the basis of the present happiness and prosperity of the people of the Dominion and of their future national greatness. It was to be expected that two peoples lying alongside each other since the commencement of their history, and developing governmental institutions drawn from the same tap-root of English law and constitutional usages, should exhibit many points of similarity in their respective systems and in their capacity for self-government. But it is noteworthy that their close neighborhood, their means of rapid communication with one another, the constant social and commercial

intercourse that has been going on for years, especially for the past forty years, have not made a deeper impress upon the political institutions and manners of the Canadian people, who being very much smaller in numbers, wealth, and national importance, might be expected to gravitate in many respects toward a nation whose industrial, social and political development is one of the marvels of the age. Canada, however, has shown a spirit of self-reliance, independence of thought and action in all matters affecting her public welfare, which is certainly one of the best evidences of the political steadiness of the people. At the same time she is always ready to copy, whenever necessary or practicable, such institutions of her neighbors as commend themselves to the sound judgment of her statesmen. Twenty-five years ago at Quebec they studied the features of the federal system of the states, and in the nature of things they must continue to refer to the working of their constitution for guidance and instruction.

The comparisons I have made between the two systems of government, if carefully reviewed, ought, I submit, to show that Canada has been steadily working out her own destiny on sound principles, and has in no wise shown an inclination to make the United States her model of imitation in any vital particular. It is quite clear that Canadians who have achieved a decided success so far in working out their plan of federal union on well-defined lines of action, in consolidating the union of the old provinces, in founding new provinces and opening up a vast territory to settlement, in covering every section of their own domain with a network of railways, in showing their ability to put down dissension and rebellion in their midst, are not, I think, ready, in view of such achievements, to confess failure, an absence of a spirit of self-dependence, a want of courage and national ambition, an incapacity for self-government, and to look forward to annexation to the United States as their "manifest destiny."

But whatever may be the destiny of this youthful and

energetic community, it is the earnest wish of every Canadian that, while the political fortunes of Canada and the United States may never be united, yet each will endeavor to maintain that free, friendly, social and commercial intercourse which should naturally exist between peoples allied to each other by ties of a common neighborhood and a common interest, and that the only rivalry between them will be that which should prevail among countries equally interested in peopling this continent from north to south, from east to west, in extending the blessings of free institutions, and in securing respect for law, public morality, electoral purity, free thought, the sanctity of the home, and intellectual culture.

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